

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Christopher L. Rudich
Elizabeth S. Rudich
Debtor(s)

Bankruptcy Case No.: 16-20524-CMB
Issued Per Aug. 8, 2019 Proceeding
Chapter: 13
Docket No.: 86 – 79, 81
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 6, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Credit Acceptance at Claim No. 19 as a long term debt beginning June 2019 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 12, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Christopher L. Rudich
 Elizabeth S. Rudich
 Debtors

Case No. 16-20524-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 39

Date Rcvd: Aug 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 14, 2019.

db/jdb
 cr
 14179388 +Christopher L. Rudich, Elizabeth S. Rudich, 190 Washington Street, Baden, PA 15005-1922
 14179389 +ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
 14208684 +American Education Service/PHEAA, PO Box 61047, Harrisburg, PA 17106-1047
 15067696 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, 4161 Piedmont Parkway,
 Greensboro, NC 27410-1000)
 14179392 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 15067696 ++CREDIT ACCEPTANCE CORPORATION, 25505 WEST 12 MILE ROAD, SOUTHFIELD MI 48034-8316
 (address filed with court: Credit Acceptance, 25505 West 12 Mile Road,
 Southfield, MI 48034)
 14179392 +Chase, P.O. Box 78420, Phoenix, AZ 85062-8420
 14179393 +Client Services, 3451 Harry S. Truman Blvd, Saint Charles, MO 63301-9816
 14406042 +Educational Credit Management Corporation, PO BOX 16408, ST. PAUL, MN 55116-0408
 14179394 +Federal Loan Servicing Credit, PO Box 60610, Harrisburg, PA 17106-0610
 14179395 +First National Bank of PA, 4140 East State Street, Hermitage, PA 16148-3401
 14187157 +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
 14187158 First National Bank of Pennsylvania, c/o David W. Raphael, Esquire, Grenen & Birsic, PC,
 One Gateway Center, 9th Floor, Pittsburgh, PA 15222
 15026263 Flagstar Bank, FSB, P.O. Box 660263, Dallas, TX 75266-0263
 14288069 +JPMorgan Chase Bank, N.A., Chase Records Center, Attn: Correspondence Mail,
 Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774
 15073236 +Lakeview Loan Servicing, LLC, 4425 Ponce De Leon Blvd., MS 5-251,
 Coral Gables, FL 33146-1837
 14191518 +PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
 14179403 +PNC Bank, PO Box 747032, Pittsburgh, PA 15274-7032
 14210163 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 14179406 +USAA Savings Bank, PO Box 33009, San Antonio, TX 78265-3009

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 E-mail/PDF: rmscedi@recoverycorp.com Aug 13 2019 03:30:09
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14218725 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 13 2019 03:32:20
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14179391 +E-mail/Text: bankruptcy@caavps.com Aug 13 2019 03:23:08 Cavalry Portfolio Service,
 500 Summit Lake Drive, Valhalla, NY 10595-2322
 14205400 +E-mail/Text: bankruptcy@caavps.com Aug 13 2019 03:23:08 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14191611 E-mail/Text: mrdiscen@discover.com Aug 13 2019 03:22:22 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14248196 +E-mail/Text: kburkley@bernsteinlaw.com Aug 13 2019 03:23:22 Duquesne Light Company,
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14179398 +E-mail/PDF: gecsed@recoverycorp.com Aug 13 2019 03:31:58 GE Capital, P.O. Box 9001557,
 Louisville, KY 40290-1557
 14179399 E-mail/PDF: gecsed@recoverycorp.com Aug 13 2019 03:30:57 GE Capital Retail Bank,
 P.O. Box 960061, Orlando, FL 32896-0061
 14181152 +E-mail/Text: bankruptcy@huntington.com Aug 13 2019 03:22:51 Huntington National Bank,
 P O Box 89424, Cleveland OH 44101-6424
 14179400 +E-mail/Text: bankruptcy@huntington.com Aug 13 2019 03:22:51 Huntington National Bank,
 PO Box 1558, Columbus, OH 43216-1558
 14179401 +E-mail/Text: cio.bncmail@irs.gov Aug 13 2019 03:22:29 IRS, 5045 Butler Ave,
 Fresno, CA 93888-7700
 14179402 E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 13 2019 03:23:05 Jefferson Capital System,
 16 McLeeland Road, Saint Cloud, MN 56303
 14381549 E-mail/Text: peritus@ebn.phinsolutions.com Aug 13 2019 03:23:26
 PERITUS PORTFOLIO SERVICES II, LLC, PO BOX 141419, Irving, Tx 75014-1419
 14179404 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 13 2019 04:00:05
 Portfolio Recovery Associates, 120 Corporate Boulevard, Norfolk, VA 23502
 14233071 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 13 2019 03:58:19
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14187323 E-mail/Text: bnc-quantum@quantum3group.com Aug 13 2019 03:22:37
 Quantum3 Group LLC as agent for, CP Medical LLC, PO Box 788, Kirkland, WA 98083-0788
 14187647 E-mail/PDF: rmscedi@recoverycorp.com Aug 13 2019 03:32:03
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605
 14179407 +E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com Aug 13 2019 03:22:19
 Verizon Wireless, P. O. Box 17464, Baltimore, MD 21297-1464
 14179408 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 13 2019 03:22:35
 World Financial Network Bank, PO Box 182124, Columbus, OH 43218-2124

TOTAL: 19

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 39

Date Rcvd: Aug 12, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
cr Flagstar Bank, FSB
cr JPMorgan Chase Bank, National Association
cr LAKEVIEW LOAN SERVICING, LLC
cr Lakeview Loan Servicing, LLC
cr* +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
cr* PERITUS PORTFOLIO SERVICES II, LLC, PO BOX 141419, IRVING, TX 75014-1419
14179390* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998)
14179397* +First National Bank of PA, 4140 East State Street, Hermitage, PA 16148-3401
14179396* +First National Bank of PA, 4140 East State Street, Hermitage, PA 16148-3401
14301574* +JPMorgan Chase Bank, N.A., Chase Records Center, Attn: Correspondence Mail,
Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774
14179405* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, 120 Corporate Boulevard,
Norfolk, VA 23502)

TOTALS: 5, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 12, 2019 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor JPMorgan Chase Bank, National Association
andygornall@latoufflawfirm.com
David W. Raphael on behalf of Creditor First National Bank of Pennsylvania
draphael@grenenbirsic.com, mcpupec@grenenbirsic.com
James Warmbrodt on behalf of Creditor JPMorgan Chase Bank, National Association
bkgroup@kmlawgroup.com
Jodi L. Hause on behalf of Creditor Lakeview Loan Servicing, LLC
jodi.hause@phelanhallinan.com, pawb@fedphe.com
Jodi L. Hause on behalf of Creditor LAKEVIEW LOAN SERVICING, LLC
jodi.hause@phelanhallinan.com, pawb@fedphe.com
Joshua I. Goldman on behalf of Creditor JPMorgan Chase Bank, National Association
bkgroup@kmlawgroup.com
Lauren M. Lamb on behalf of Joint Debtor Elizabeth S. Rudich
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@s
teidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@stei
dl-steinberg.com
Lauren M. Lamb on behalf of Debtor Christopher L. Rudich
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@s
teidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@stei
dl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Thomas Song on behalf of Creditor Flagstar Bank, FSB pawb@fedphe.com

TOTAL: 12